

REMARKS

Claims 1-16 are all the claims pending in the application. Claims 1-16 have been amended herein. This Amendment, submitted in reply to the Office Action dated May 28, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1-16² stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Tikka (US 2001/0052412). Applicant respectfully traverses this rejection.

“A container comprising:

walls defining an inside zone housing at least one piece of equipment,
wherein at least one of said walls comprising:

at least three sub-walls spaced apart from one another in such a
manner as to define at least first and second air circulation spaces, said
first and second circulation spaces being separated without any
communication therebetween,

wherein said first space communicating with the outside of said container via at
least two outside openings, and said second space communicating with said inside zone
via at least two openings,

wherein a first one of said sub-walls faces the outside of said container,
wherein a second one of said sub-walls faces said inside zone,

wherein a third one of said sub-walls is interposed between said first and second
sub-walls, and said third one of said sub-walls sealingly separates said first and second
circulation spaces so that air inside said container does not contact air outside said
container, and

wherein said first sub-wall is formed from a thermally insulating material.”

In rejecting claim 1, the Examiner asserts that Tikka teaches substantially all of the
features recited in claim 1. Specifically, the Examiner asserts that Tikka teaches a container

² The Office Action indicates that claims 1-15 are rejected, but the Examiner rejects claims 1-16 in the paragraphs under this section.

comprising at least one wall, said wall comprising at least three sub-walls spaced apart to form at least first and second air circulation spaces as claimed. Further, the Examiner asserts that Tikka teaches a first one of said sub-walls facing the outside of said container as claimed. Further, the Examiner asserts that Tikka teaches said first sub-wall being formed from a thermally insulating material as claimed. Applicant respectfully submits that the Examiner has misconstrued Tikka.

MPEP 2131 states “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states “The elements must be arranged as required by the claim...” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In other words for the reference applied by the Examiner to anticipate the present claims, the reference must show each and every feature recited in the claims, and the elements must be arranged as stated in the claim. Applicant respectfully submits that Tikka does not teach each and every feature recited in the present claims and does not teach the elements being arranged as claimed.

As discussed above, claim 1 recites (in part):

“at least three sub-walls spaced apart from one another in such a manner as to define at least first and second air circulation spaces, **said first and second circulation spaces being separated without any communication therebetween**,...

wherein ... one of said sub-walls is interposed between said first and second sub-walls, and said ... **one of said sub-walls sealingly separates said first and second circulation spaces so that air inside said container does not contact air outside said container does not contact air outside said container**”.

Conversely, Tikka is directed to a cooling system for a cabinet. The cabinet comprises walls which define an internal volume containing telecommunications components. The side wall of this cabinet include: a first sub-wall in contact with outside air; a first space divided into two subspaces, each space communicating with the outside air via one opening; a second space

in contact with the inside zone of the cabinet; and a third space separated from the second space by a sub-wall.

However, the system by Tikka includes fans 103 and 105, which allow the inside air to flow out of, and outside air to flow into, the cabinet. Tikka does not teach or even suggest the first and second separating spaces being separated to prevent communication therebetween, i.e. air inside the cabinet not contacting air outside said cabinet. Tikka also does not teach a central (third) sub-wall sealingly separating the first and second spaces as claimed. In other words, in Tikka, the central sub-walls have openings, and the first and second spaces communicate with each other such that inside air is in contact with outside air. Therefore, Applicant submits that Tikka does not anticipate these features.

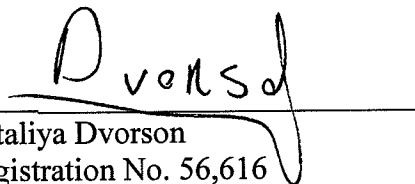
For at least the above discussed reasons, Applicant respectfully submits that claim 1 is patentable over the applied reference. Further, Applicant respectfully submits that all claims dependant upon claim 1 are also patentable at least by virtue of their dependency. For at least the reasons set forth above, Applicant respectfully requests that the rejection of claim 1-16 be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Nataliya Dvorson
Registration No. 56,616

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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